

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

V.

GERALD ALAN SHERMAN,

Defendant.

CASE NO. CR05-0181C

ORDER

This matter comes before the Court on a motion by Defendant to continue the pretrial motions date to January 12, 2006, and the trial date from November 28, 2005 to March 27, 2006 (Dkt No. 38).

The Court finds that, based on the files and records in this case, failure to grant the requested continuance likely would result in a miscarriage of justice. The Court further finds that the interests of the public and the Defendant in a speedy trial in this case are outweighed by the ends of justice.

Specifically, the Court finds that Defendant requires additional time to gather and prepare evidence to present his defense, and thus that under 18 U.S.C. § 3161(h)(8)(A) the ends of justice will be served by continuing the trial in this case. The Court further finds that defense counsel has conflicting trials scheduled around the current trial date, and thus that under 18 U.S.C. § 3161(h)(8)(B)(iv) counsel is unavailable for trial on the currently scheduled date.

The Court further finds that the government has not opposed Defendant's request for a continuance.

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The Court further finds that Defendant has filed a speedy trial waiver of his rights under the Sixth Amendment and the Speedy Trial Act, 18 U.S.C. §§ 3161 to 3174 (Dkt. No. 39).

IT IS THEREFORE ORDERED that the trial date be continued from November 28, 2005 to March 27, 2006, and that the time between November 28, 2005 and the new trial date be excludable time under the Speedy Trial Act pursuant to 18 U.S.C. §§ 3161(h)(8)(A), 3161(h)(8)(B)(I), and 3161(h)(8)(B)(ii).

IT IS FURTHER ORDERED that the deadline for the filing of pretrial motions be extended to January 12, 2006.

SO ORDERED this 5th day of October, 2005.

John C. Carpenter

UNITED STATES DISTRICT JUDGE